

REMARKS

Claims 1-10 have been examined.

Allowable Subject Matter

The Examiner objected to claim 4 as being dependent upon a rejected base claim, but indicated the claim would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has rewritten claim 4 in independent form incorporating all the features of independent claim 1. Thus, Applicant submits that claim 4 is in condition for immediate allowance. Also, Applicant has added new claims 15 and 16 which correspond to claim 4 written in independent form based on claims 2 and 3.

Election/Restriction

The Examiner has withdrawn newly submitted claim 10 because it is directed to an invention that is independent or distinct from the invention originally. Thus, Applicant has cancelled claim 10 without prejudice or disclaimer.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejected claims 1-3 and 5-9 under 35 U.S.C. § 102(b) as being anticipated by Yamaguchi (U.S. Pat. Pub. 2002/0101565). Applicant traverses this rejection for the following reasons.

Yamaguchi fails to disclose, at least, wherein the eyeball-side refracting surface is a progressive surface, as recited in claims 1-3 and 7.

In particular, Yamaguchi discloses a multifocal lens comprised of an outer surface 21 having a farsighted region 23, a nearsighted region 24, and a progressive zone 25. (para. [0020]-[0022]). Additionally, Yamaguchi varies the thickness of the lens by cutting away the outer

surface of the lens. (para. [0024])). No portion of Yamaguchi discusses the inner surface 22 being a progressive surface. Accordingly, Yamaguchi discloses an outer surface progressive lens, which is in direct contrast to the recited eyeball-side refracting surface being a progressive surface as recited.

Thus, Applicant respectfully submits that claims 1-3 and 7 are allowable for at least this reason. Furthermore, Applicant submits that claims 5-6 and 8-9 are allowable, at least because of their dependency.

Newly Added Claims

New claims 11-14 are submitted to be allowable because they recite similar features as claims 1-3 or 7. Additionally, claims 15 and 16 are submitted to be allowable as they contain the features of claim 4 as well as the features of base claims 2 or 3.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln. No. 10/509,494

Atty. Dkt. No. Q83849

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David P. Emery', written over a horizontal line.

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